

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-6, 10-12, 16-22, and 40 are pending in the application, with claims 1, 16, and 40 being the independent claims. Claims 7-9 and 13-15 were previously withdrawn from consideration.

Based on the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

On page 2 of the Office Action, claims 1-6, 16, 20-22, and 40 were rejected under 35 U.S.C. § 103(a) as allegedly obvious in view by the undated "Adobe Acrobat 5.0 User's Guide for Chambers" (hereinafter "Adobe") in further view of US Patent No. 7,313,824 issued to Bala *et al.* (hereinafter "Bala").

The Examiner provides no documentary evidence of a public posting or a retrieval date for the Adobe reference that predates the effective filing date of the present application. Instead, the Examiner asserts that claims 1-6, 16, 20-22, and 40 are allegedly "unpatentable over Adobe Acrobat 5.0 released 12 March 2001 as evidenced by" Adobe in view of Bala. Official notice unsupported by documentary evidence should only be taken by the Examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. As noted by the court in *In re Ahlert*, the notice of facts beyond the record which may be taken by the examiner must be "capable of such instant and

unquestionable demonstration as to defy dispute." *See* M.P.E.P §2144.03 *citing In re Ahlert*, 424 F.2d 1088, 1091 (CCPA 1970).

US Patent Application no. 10/194,655 (hereinafter "The Bala application"), was filed July, 11, 2002 and Applicant's application was filed on December 21, 2001. Thus, the Applicant's application predates the Bala application filing date. Although the Bala application claims the benefit of U.S. Provisional Patent Application No. 60/305,589 (hereinafter "the Bala provisional"), which was filed on July, 13, 2001, the Examiner has provided no documentary evidence that the disclosure of Provisional Application No. 60/305,589 anticipates or renders obvious Applicant's invention.

Further, Applicant has examined the Bala provisional and submits that it fails to teach or suggest preventing clipboard operations as recited in claims 1-6, 16, 20-22, and 40. Thus, Bala is not a proper reference.

However, without stipulating that the features recited in claims 1-6, 16, 20-22, and 40 are the only features that differentiate the claimed embodiments of the present patent application from the Bala provisional, Applicant notes that whether or not these features are disclosed in the Bala application, they are not disclosed by the Bala provisional. Thus, at least with regards to the features of recited in claims 1-6, 16, 20-22, and 40, Bala does not enjoy the benefit of the Bala provisional. Therefore, with regard to the claimed embodiments of the present patent application, the filing date of the present patent application predates the Bala application such that Bala should not be applied as a prior art reference against the present patent application. (*See* M.P.E.P. § 706.02(V)(D)). Thus, Bala is not a proper reference and is not prior art against Applicant's pending claims.

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Accordingly, Applicant respectfully requests that the Examiner remove Bala from consideration, reconsider and withdraw the rejection of claims 1-6, 16, 20-22, and 40, and find these claims allowable.

On page 3 of the Office Action, the Examiner concedes that Adobe does not disclose preventing subsequent usage of designated content in a second destination application via a clipboard application when the determining determines that the source file is a secured file, as recited in claims 1, 16, and 40. Rather, the Examiner relies on Bala to cure the deficiencies of Adobe. Rather, the Examiner relies on Bala to teach or suggest this feature.

Bala does not cure these deficiencies of Adobe with regards to claims 1, 16, and 40 because Bala is an invalid reference, as discussed above.

Dependent claims 2-6 and 10-12, which depend upon independent claim 1, are allowable for at least being dependent from allowable independent claim 1, in addition to their own respective distinguishing features. See *In Re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) and M.P.E.P. § 2143.03. Accordingly, Applicant respectfully requests that the rejections of claims 1-6 and 10-12 be removed and that these claims be passed to allowance.

Also, at least based on their respective dependencies to claim 16, claims 17-22 should be found allowable, as well as for their additional respective distinguishing features.

Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejections of claims 1-6, 16, 20-22, and 40 under 35 U.S.C. § 103(a) and pass these claims to allowance.

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On page 4 of the Office Action, claims 10-12 and 17-19 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Adobe Guide in view of Bala, further in view of U.S. Patent Publication No. 2003/0037253 filed by Blank *et al.* (hereinafter "Blank"). Applicant respectfully traverse these rejections for the reasons stated below.

US Patent Application no. 10/135,188 (hereinafter "the Blank Application"), was filed April 29, 2002 and Applicant's application was filed on December 21, 2001. Thus, the Applicant's application predates the Blank filing date. Although the Blank Application claims the benefit of U.S. Provisional Patent Application No. 60/287,167 (hereinafter "the Blank provisional"), which was filed on April 27, 2001, the Examiner has provided no documentary evidence that the disclosure of the Blank provisional anticipates or renders obvious Applicant's invention.

Moreover, Applicant has examined the Blank provisional and submits that it fails to teach or suggest preventing clipboard operations as recited in claims 10-12 and 17-19. Thus, Blank is not a proper reference.

However, without stipulating that the features recited in claims 10-12 and 17-19 are the only features that differentiate the claimed embodiments of the present patent application from the Blank provisional, Applicant notes that these features are disclosed by the present application, but are not disclosed by the Blank provisional. Thus, at least with regards to the features of recited in claims 10-12 and 17-19, Blank does not enjoy the benefit of the Blank provisional.

On page 4 of the Office Action, the Examiner acknowledges that the allegedly obvious combination of Adobe and Bala fails to disclose storing alternate content to a

clipboard application in place of designated content when the determining determines that the source file is a secured file. Rather, the Examiner relies on Blank to cure the deficiencies of Adobe and Bala.

Blank does not cure these deficiencies of Adobe with regards to claims 10-12 and 17-19 because Blank is an invalid reference, as discussed above.

Further, claims 17 and 18 recite an additional distinguishing feature, storing alternate content to a clipboard application in place of designated content when it has been determined that a source file is a secured file, not taught by Adobe, the Bala provisional, or the Blank provisional, either alone or in the alleged obvious combination.

Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejections of claims 10-12 and 17-19 under 35 U.S.C. § 103(a) and pass these claims to allowance.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Glenn Perry", with a long horizontal flourish extending to the right.

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